

# Notice of Allowability

Application No.

09/764,709

Examiner

Jean Janvier

Applicant(s)

JOKINEN ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/05/2007.
2. ☒ The allowed claim(s) is/are 1-4 and 17-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **Response To Applicant's Arguments**

The following constitutes a favorable Action in response to the 37 CFR 1.116 request filed, on September 05, 2007, by the Applicant.

#### **Detailed Action**

#### **Status of the claims**

Claims 1-4 and 17-24 are currently pending in the Instant Application, while claims 5-16 and 25-34 have been canceled.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the Attorney of record.

#### **Claim 1**

In claim 1, line 2, after "about" and before "plurality", please delete "the" and replace it with - -a- -.

In claim 1, line 9, after "specific" and before "interest", please insert - -location of- -.

In claim 1, line 11, after "users", please delete "match" and replace it with - -matching- -.

In claim 1, line 16, before "mobile", please delete "selected".

#### **Claim 17**

In claim 17, line 3, after "selecting", please delete "a mobile terminal of".

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In claim 17, line 4, after "users", please delete "match" and replace it with - -matching- -.

In claim 17, line 6, after "and", please delete "wherein" and replace it with - -when- -.

In claim 17, line 6, before "of", delete the first instance of "terminal" and replace it with -  
-terminals- -.

In claim 17, line 2, after "about" and before "plurality", please delete "the" and replace it  
with - -a- -.

In claim 17, line 8, before "advertising", please delete "the" and replace it with - -an- -.

In claim 17, line 9, after "at least", please delete "one" and replace it with - -two- -.

#### **Reason For Allowance**

With to independent claims 1, 17 and 21, the prior art taken alone or in combination does not reasonably teach a system for detecting the presence of at least two mobile users from a plurality of mobile users currently within a vicinity of a location of interest to an advertiser and dynamically generating or generating in real-time a promotion or a coupon value that is transmitted to a subset of mobile users (at least two), present within the vicinity, selected based on at least one criterion. Thus, claims 1-4 and 17-24 are said to be allowable/patentable over the prior art of record.

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 6,597,903B1 to Dahm discloses a method of providing an offer for a subscriber service plan on a display screen of a mobile device when a user of said mobile device is identified, said method comprising: comparing customer profile information of said user to a

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group of predetermined thresholds in a server device; wherein said customer profile information comprises information relating to a user account associated with said mobile device; wherein said server device is coupled to a wired network compliant with a first communication protocol; generating an offer for a subscriber service plan in said server device directed to the mobile device when said customer profile information exceeds at least one of said predetermined thresholds; and forwarding an electronic notification corresponding to said generated offer for said subscriber service plan to the mobile device through a wireless network compliant with a second communication protocol, said notification comprising at least one uniform resource identifier addressing resource information of said offer (See claim 1).

USP 7,257,545B1 to Hung discloses a scannable coupon, such as a bar code, displayed on a portable electronic device, such as a personal digital assistant, handheld computer or mobile telephone. The display has sufficient resolution and contrast to be scanned at a point-of-sale computer for redemption of the coupon. In a further embodiment, generic coupon information is sent to the portable electronic device, which can generate a scannable coupon in any one of several formats. In another embodiment, coupon information is sent in one format and the portable electronic device converts it to another format. In yet a further embodiment, a number of coupons are stored in a data structure according to a redemption characteristic, and may be serially displayed according to user input, such as pushing a step key (See abstract).

USP 6,450,407B1 a method of and a system for providing advertisement information, including advertising as well as sales promotions, on chip cards that additionally involves an electronic money rebate to the consumer, and for the distribution, accounting, and recovery of the associated electronic money rebates. Rebates are conveyed to the consumer by

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communication from the advertisement information provider to a customer's chip card via a multiplicity of possible channels including: a personal computer, a portable chip card reader, a point-of-sale (POS) terminal, a handheld device, a home or business telephone, a vending machine, a cellular phone, a pager, a mass transportation payment station, a television and/or television set-top box, or an automated teller machine (ATM). Rather than giving a discount at the point of sale, a rebate in the form of electronic money is stored in chip card memory. The method and system also include tracking and storing integrated relational information regarding advertisement information, products, and customer's buying habits with respect to those products for which rebates have been given. Determination of which particular advertisement information and rebates to store onto the card may be based on customer information available to the providers of the advertisement information. The chip card may or may not incorporate an electronic display for showing the advertisement information directly on the card (see abstract).

USP 5,870,030A to Deluca discloses a system and apparatus for permitting a user of a selective call receiver (31) to receive a certain number of personal messages and information service updates without paying a fee for such services in return for reading advertisements wirelessly transmitted to the selective call receiver. The user is allowed to read the advertisements at any time prior to receiving the personal messages and information service updates. The certain number is proportional to the number of advertisements read. The certain number can be increased by the user responding to questions within advertisements using reverse channel messaging capabilities of a selective call transceiver (32), or by using a conventional telephone (22). Further, the user can receive one or more coupons via his pager for responding to questions related to a displayed advertising message (See abstract).

USP 6,529,159B1 to Fan discloses a method for distributing locating-relevant information includes providing a GPS position of a client to a server on a data network, and returning location-relevant information by the server based on the specified GPS position. Such location-relevant information include travel or tourist information (e.g., locations of tourist attractions, hotels, or restaurants). Commercial information such as discount coupons or advertising selected based on the Client's GPS position can also be provided. Financial or business transactions can be conducted using the GPS position for authentication or identification (See abstract).

WO 9615614 to Arakawa discloses a multi-system radio telephone (10) operable in at least first and second radio communication systems including an apparatus for executing a method for controlling audio output volume levels of the radio telephone. According to one embodiment, a multi-system radio telephone is operable in a conventional analog cellular system (30) and a conventional local cordless system (12). The multi-system radio telephone includes two distinct memory areas (84, 86) for storing representations of volume levels for each of the respective radio communication systems. After the radio telephone determines which radio communication system (cellular or cordless) will be used for a particular radio communication session, the corresponding memory area is read to determine a default volume level for that radio communication system. The speaker (44) is then set to that particular volume level. During the communication session the user is also able to modify the volume level through conventional interaction with volume adjustment buttons (52, 54). If an indication for such a modification is

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detected, a representation of the new volume level is stored in the appropriate memory area in place of the old default volume level representation, and the speaker (44) is set to the new default volume level for that particular radio communication system. A visual representation of the volume level is also presented on the radio telephone display (58). This independent volume control method will provide the user with automatic volume control which is sensitive to the type of communication system being used during each communication session (See abstract).

Wo9913439 to Greene discloses a system for comparing a paging station passing a message to a transponder, which acknowledges receipt by transmitting a response message to the paging station, which includes part of the paging message. The paging message includes a response data field, which indicates part of the paging message to be included in the response message to the remote transponder (See abstract).

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

09/19/07

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JDJ

Jean D. Janvier

Patent Examiner

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